IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Benjamin F. James IV

Application No.:

10/726/203

Group No.: 2883

Filed:

12/03/2003

Examiner: Blevins, Jerry M.

For:

OPTICAL FIBER INCLUDING A DIFFUSER PORTION AND CONTINUOUS

SLEEVE FOR THE TRANSMISSION OF LIGHT

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION TO REVIVE AND ACCEPT ISSUE FEE PAYMENT (PTOL-85) FILED VIA FACSIMILE (37 CFR 1.6(d)) WHERE OFFICE HAS NO RECORD OF RECEIPT

In response to the Notice of Abandonment mailed July 11, 2007, applicant hereby petitions under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment and for the USPTO to accept the issue fee payment transmitted by facsimile to the Office on June 13, 2007, prior to the due date of June 18, 2007.

Issue Fee was Previously Transmitted on June 13, 2007

The completed PTOL-85 form for the application identified above was filed via facsimile transmission on June 13, 2007.

CERTIFICATION UNDER 37 C.F.R. 1 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(2) with sufficient postage as first class mail.

Date: July 17, 2007

37 C.F.R. § 1.10*

G as "Express Mail Post Office to Addressee" Mailing Lahel No. _

(mandatory)

TRANSMISSION X transmitted via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4)

> /Sheila Cole/ Signature

Sheila Cole (type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" (* 1.10) or facsimile transmission (* 1.6(d)) for the reviv to be accorded the earliest possible filme date for patent term adjustment

2. Evidence of Previously Transmitted Issue Fee

Attached please find our transmission communication result report, dated June 13, 2007, evidencing the transmission of the PTOL-85 form in question by Jacqueline Pintinics.

Attached please find the USPTO's Auto-Reply Facsimile Transmission receipt for this facsimile transmittal also dated June 13, 2007.

In view of the foregoing, it is respectfully requested that the Notice of Abandonment dated July 11, 2007 be withdrawn, and that the USPTO accept the issue fee payment previously transmitted on June 13 2007.

No fee is believed to be due in connection with this Petition. However, authorization is hereby made to charge any such fee or any other fee that may be due in connection with this Petition to Deposit Account No. 10-0750/IND38DIV.

Date: July 17, 2007 /Melissa J. Szanto/ Melissa J. Szanto

Registration No. 40,834 Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 US 732-524-1365

Customer No. 000027777

PAGE

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ADDRESS

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OPTION

FAX HEADER 1: J&J PATENT INFO SVCS

RESULT

FAX HEADER 2:

USPTO

REASON FOR ERROR E-1) HANG UP OR LINE FAIL E-1) NO ANSWER E-2) BUSY F-41 NO FACSIMILE CONNECTION PART B - FEE(S) TRANSMITTAL Complete and send this form, together with applicable fee(s), to: Mall Mail Step ISSUE FEE
TO The Training of Patents
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I hereby cutify that this Foc(s) Transmittal is being deposited with the United States Postal Services with sufficient pentage for first class mail in an envelope addressed to the Mail Stop 15SUB FEE address above, or being facsimite transmitted to the USFTO (571) 273-2885, on the date indicated below. 27777 PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003 Jacqueline Pintinics (Depositer's passe) A1512007 (DIM) FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE 12/03/2003 Benjamin F. James IV IND-38DIV 4108 10/726,806 TITLE OF INVENTION: OPTICAL FIBER INCLUDING A DIFFUSER PORTION AND CONTINUOUS SLEEVE FOR THE TRANSMISSION OF DATE DUE PUBLICATION FEE DUE PREV. PAID ISSUE FEE TOTAL FEE(S) DUE SMALL ENTITY ISSUE FEE DUE APPEN TYPE 5300 \$1700 06/18/2007 \$1400 nonprovisional ART UNIT CLASS.SUBCLASS EXAMINER 385-031000 BLEVINS, JERRY M 2683 (. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). 2. For printing on the patent front page, list (i) the names of up to 3 registered patent atterneys or agonts OR, alternatively, Change of correspondence address (or Cha Address form PTO/SB/122) attacked. (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent atterneys or agents. If no name is listed, no name will be printed. "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47: Roy 03-02 or more recent) attached. Use of a Customer Number is required. 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignce is identified below, no assignce data will appear on the patent. If an assignse is identified below, the document has been filled for recordation as set forth in 77 CFE3.11. Completion of this form is NOT a substitute for filling an assignment. (B) RESIDENCE: (CITY and STATE OR COUNTRY) Recorded: 02/16/2001 (A) NAME OF ASSIGNEE Palo Alto, CA Reel/Frame: 011561/0736 Indigo Medical, Inc. Picesse check the appropriate assignee category or categories (will not be printed on the potent) : 🔲 individual 🗵 Corporation or other private group entity 🗀 Government 4b. Payment of Fee(s): (Please first resppty ony previously paid issue fee shown above) ta. The following fee(s) are submitted: A check is unclosed. (X) Issue Fcc Payment by credit card. Form PTO-2038 is attached. Publication Fee (No small entity discount permitted) The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account Number __10_0750_ (enclose an extra copy of this form). Advance Order - # of Copies 5. Change in Entity Status (from status indicated above) D. Applicant is no longer clulming SMALL ENTITY status. See 37 CFR 1.27(g)(2). In a Applicant claims SMALL ENTITY status. See 37 CFR 1.27. pled from anyone other than the applicant; a registered attorney or agent, or the assignee or other party in ack Office. NOTE: The Issue Fee and Publication Fee (if required) will not be acce-intenest as shown by the records of the United States Fatent and Tradem 6/11/2007 Authorized Signature _ Registration No. 40,834 Melissa J. Szamo Typed or printed name This softlection of information is remirted by 37 CFR, 1,311, The information is required to obtain or retain a borroll by the public which is to file (and by the USFTO to process) an application. Confidentiality is governed by 31 U.S.C. 122 and 37 CFR, 1,41. This collection is estimated to later 12 minuted to exposite, underlying sphering, propering, and opportunity and processing application from it the LDF retainment of the process of the propering and opportunity and the processing application from it the LDF retainment of the processing application from it the LDF retainment of the processing application from it the LDF retainment of the processing application of the processing application from the LDF retainment of the processing application appl Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE PTOL-25 (Rev. 07/06) Approved for use through 04/30/2007. OMB 0651-0033



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